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SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2011 MAY 24 PM 4:11  
SANDRA K MARKHAM ✓  
JEANNE HICKS, CLERK

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
6 BY: Ivy Rios

7 IN AND FOR THE COUNTY OF YAVAPAI

8 STATE OF ARIZONA,

9 Plaintiff,

10 vs.

11 STEVEN DEMOCKER,

12 Defendant.

CAUSE NO. P1300CR 201001325

MOTION FOR RECONSIDERATION  
RE: TRANSFERRING TRIAL  
LOCATION TO PRESCOTT

Assigned to Hon. Warren R. Darrow

13 The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and  
14 her deputy undersigned, hereby moves this court to reconsider its order denying the State's  
15 motion to hold the trial in Prescott, Arizona.

16 In addition to the reasons supporting this request in the original motion, the Court is asked  
17 to consider that the majority of the jurors in this trial will be from Western Yavapai County. This  
18 is supported by the 2010 Yavapai County census and the 2010 State of Arizona Official Canvass  
19 of registered voters in Yavapai County.

20 Attached exhibit "A" shows the population trends between the years 2000 and 2010.  
21 According to the U.S. Census bureau, the Western portion of Yavapai County has a total of  
22 146,712 residences. The Eastern portion of Yavapai County has a total of 64,321 residences.  
23 These records show that 56% of the population resides in Western Yavapai County and 44% of  
24 the population resides in Eastern Yavapai County.  
25  
26

**Office of the Yavapai County Attorney**

255 E. Gurley Street, Suite 300

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1 Prospective jurors are picked randomly from the pool of people registered to vote.  
2 According to the latest State of Arizona Official voting records, exhibit "B", there are 119,936  
3 registered voters in Yavapai County. Of the total number of 2010 registered voters, 67,164 reside  
4 in Western Yavapai County and 52,771 reside in Eastern Yavapai County. It is safe to assume a  
5 majority of the jurors for this trial will reside in Western Yavapai County.  
6

7 The communities where the impaneled jurors resided in the first trial are illustrative here.  
8 The jurors in trial one resided in the following communities: 3 jurors were from Cottonwood, 1  
9 was from Sedona, 1 was from Ashfork, 1 was from Seligman, 1 was from Dewey and 10 were  
10 from Prescott and Prescott Valley. It is fair to say that the majority of jurors in this trial will  
11 reside in Prescott and Prescott Valley.  
12

13 Defendant's singular objection for holding the trial in Prescott is the time it would take to  
14 transport him from the Camp Verde jail to Prescott on trial days. He complains he would have to  
15 wake up earlier in order to make it on time. The defendant would only agree to the trial being  
16 held in Prescott under one condition. The condition was that the Defendant wanted to be  
17 relocated to the Yavapai County Jail in Prescott on trial days. As the court is aware, the housing  
18 of inmates in the Prescott jail was moved to Camp Verde due to budget cuts. The Jail cannot  
19 make special arraignments to staff the closed Prescott jail just so the defendant could be housed in  
20 Prescott on trial days. Just the additional cost to the County for this special request makes  
21 defendant's request absurd. It is not proper for a defendant to dictate to the court or the sheriff's  
22 office where a Defendant should be housed on trial days. If the Defendant were allowed to set a  
23 precedent for being housed wherever he wanted, other defendant's could very well follow suit.  
24 Defendant's objection is trivial in comparison to the inconvenience and expense that will be  
25 incurred if the trial is held in the Verde Valley.  
26

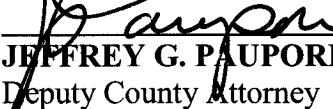
1 Any argument that the Defendant could make about inconvenience or not having enough  
2 quality time to meet with his defense counsel is absurd. The Defendant made it through six  
3 months of trial with former counsel and did not suffer any hardship other than having to get out of  
4 bed earlier than normal. The court has implemented a new trial schedule, alternating 3 days one  
5 week and 4 days the next week. This new schedule will benefit the Defendant and allow him to  
6 get his rest and meet with his attorney's.

### 8 CONCLUSION

9 The time and travel expense for the impaneled jurors for a trial estimated to last 30 weeks  
10 heavily outweighs defendant's claim of inconvenience. In addition, the factors mentioned in the  
11 State's original motion are compelling when deciding the venue for this trial. The court is asked  
12 to reverse its decision to hold the trial in Camp Verde after balancing the equities in favor of  
13 holding the trial in Prescott.

14  
15  
16 **RESPECTFULLY SUBMITTED** this 24<sup>th</sup> day of May, 2011.

17 **Sheila Sullivan Polk**  
18 **YAVAPAI COUNTY ATTORNEY**

19  
20 By:   
21 **JEFFREY G. PAUPORE**  
22 Deputy County Attorney

23 **COPY** of the foregoing **delivered** this  
24 24<sup>th</sup> day of May, 2011, to:

25 Honorable Warren R. Darrow  
26 Division PTB  
Yavapai County Superior Court

**COPY** of the foregoing **Emailed** this  
24<sup>th</sup> day of May, 2011, to:

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By: 

<b>2000 YAVAPAI COUNTY CENSUS</b>	
<b>POPLUATION TOTAL 167,517</b>	
<b>WESTERN YAVAPAI COUNTY</b>	
CITY OF PRESCOTT	33,938
WILLIAMSON VALLEY AREA	2,907
MOUNTAIN CLUB AREA	888
GROOM CREEK AREA	650
HIGHLAND PINES AREA	636
PONDEROSA PARK AREA	300
DIAMOND VALLEY AREA	1,318
YAVAPAI PRESCOTT TRIBE	182
OTHER PRESCOTT VICINITY	5,042
TOWN OF CHINO VALLEY	7,835
PAULDEN	3,420
OTHER CHINO VALLEY VICINITY	4,092
TOWN OF PRESCOTT VALLEY	23,535
CASTLE CANYON MESA AREA	2,718
PRESCOTT COUNTRY CLUB AREA	2,394
COYOTE SPRINGS	2,939
OTHER P.V. VICINITY	0
DEWEY/HUMBOLDT AREA	3,556
MAYER AREA	1,408
POLAND JUNCTION AREA	211
SPRING VALLEY AREA	1,019
BLACK CANYON CITY AREA	2,697
CORDES LAKES AREA	2,058
CROWN KING AREA	123
BAGDAD AREA	1,578
YARNELL AREA	645
HILLSIDE AREA	129
CONGRESS AREA	1,717
WILHOIT AREA	664
KIRKLAND AREA	246
SKULL VALLEY AREA	283
ASH FORK AREA	457
SELIGMAN AREA	458
PEEPLER VALLEY AREA	374
WALKER AREA	67
POTATO PATCH AREA	60
YAVA AREA	35
WAGONER AREA	29
KIRKLAND JUNCTION AREA	29
CASTLE HOT SPRINGS AREA	21
DRAKE AREA	14
BUMBLE BEE AREA	14
CAMP WOOD AREA	12
NELSON AREA	10
DATE CREEK AREA	8
WALNUT GROVE AREA	6
RURAL WESTERN YAVAPAI COUNTY	2,091
<b>WESTERN YAVAPAI CO TOTAL</b>	<b>112,813</b>

<b>EASTERN YAVAPAI COUNTY</b>	
CITY OF COTTONWOOD	9,179
VERDE VILLAGE/BRIDGEPORT	10,610
TOWN OF CLARKDALE	3,422
CORNVILLE AREA	3,335
TOWN OF CAMP VERDE	9,451
LAKE MONTEZUMA AREA	3,344
CITY OF SEDONA (Y.C. SIDE ONLY)	7,229
VILLAGE OF OAK CREEK AREA	5,245
TOWN OF JEROME	329
CHERRY AREA	60
RED ROCK AREA	344
PAGE SPRINGS AREA	257

<b>2010 YAVAPAI COUNTY CENSUS</b>		26.0%
<b>POPLUATION TOTAL 211,033</b>		
<b>WESTERN YAVAPAI COUNTY</b>		
CITY OF PRESCOTT	39,847	17%
WILLIAMSON VALLEY AREA	4,940	70%
MOUNTAIN CLUB AREA	1,090	23%
GROOM CREEK AREA	599	-8%
HIGHLAND PINES AREA	651	2%
PONDEROSA PARK AREA	355	18%
DIAMOND VALLEY AREA	2,254	71%
YAVAPAI PRESCOTT TRIBE	192	5%
OTHER PRESCOTT VICINITY	4868	-3%
TOWN OF CHINO VALLEY	10,805	38%
PAULDEN	4,322	26%
OTHER CHINO VALLEY VICINITY	5,592	37%
TOWN OF PRESCOTT VALLEY	38,785	65%
CASTLE CANYON MESA AREA	2,909	7%
PRESCOTT COUNTRY CLUB AREA	2,693	12%
COYOTE SPRINGS	2,361	-20%
OTHER P.V. VICINITY	55	100%
TOWN OF DEWEY/HUMBOLDT	3,894	10%
MAYER AREA	1,386	-2%
POLAND JUNCTION AREA	238	13%
SPRING VALLEY AREA	1,122	10%
BLACK CANYON CITY AREA	2,876	7%
CORDES LAKES AREA	2,770	35%
CROWN KING AREA	174	41%
BAGDAD AREA	2,016	28%
YARNELL AREA	654	1%
HILLSIDE AREA	96	-26%
CONGRESS AREA	2,037	19%
WILHOIT AREA	879	32%
KIRKLAND AREA	204	-17%
SKULL VALLEY AREA	433	53%
ASH FORK AREA	962	111%
SELIGMAN AREA	798	74%
PEEPLER VALLEY AREA	530	42%
WALKER AREA	212	216%
POTATO PATCH AREA	17	-72%
YAVA AREA	32	-9%
WAGONER AREA	32	10%
KIRKLAND JUNCTION AREA	19	-34%
CASTLE HOT SPRINGS AREA	44	110%
DRAKE AREA	0	-100%
BUMBLE BEE AREA	43	207%
CAMP WOOD AREA	40	233%
NELSON AREA	8	-20%
DATE CREEK AREA	23	188%
WALNUT GROVE AREA	40	567%
RURAL WESTERN YAVAPAI COUNTY	2815	35%
<b>WESTERN YAVAPAI CO TOTAL</b>	<b>146,712</b>	<b>30%</b>

<b>EASTERN YAVAPAI COUNTY</b>		
CITY OF COTTONWOOD	11,197	22%
VERDE VILLAGE/BRIDGEPORT	13,483	27%
TOWN OF CLARKDALE	4,110	20%
CORNVILLE AREA	3,433	3%
TOWN OF CAMP VERDE	10,873	15%
LAKE MONTEZUMA AREA	4,775	43%
CITY OF SEDONA (Y.C. SIDE ONLY)	6,911	-4%
VILLAGE OF OAK CREEK AREA	6,335	21%
TOWN OF JEROME	444	35%
CHERRY AREA	75	25%
RED ROCK AREA	551	60%
PAGE SPRINGS AREA	306	19%

EXHIBIT "D"

CORNVILLE AREA	3,335
TOWN OF CAMP VERDE	9,451
LAKE MONTEZUMA AREA	3,344
CITY OF SEDONA (Y.C. SIDE ONLY)	7,229
VILLAGE OF OAK CREEK AREA	5,245
TOWN OF JEROME	329
CHERRY AREA	60
RED ROCK AREA	344
PAGE SPRINGS AREA	257
RURAL EASTERN YAVAPAI COUNTY	2,738
<b>EASTERN YAVAPAI CO TOTAL</b>	<b>55,543</b>

CORNVILLE AREA	3,433	3%
TOWN OF CAMP VERDE	10,873	15%
LAKE MONTEZUMA AREA	4,775	43%
CITY OF SEDONA (Y.C. SIDE ONLY)	6,911	-4%
VILLAGE OF OAK CREEK AREA	6,335	21%
TOWN OF JEROME	444	35%
CHERRY AREA	75	25%
RED ROCK AREA	551	60%
PAGE SPRINGS AREA	306	19%
RURAL EASTERN YAVAPAI COUNTY	1,828	-33%
<b>EASTERN YAVAPAI CO TOTAL</b>	<b>64,321</b>	<b>16%</b>

## STATE OF ARIZONA OFFICIAL CANVASS

Page Number 1

2010 Primary Election - August 24, 2010  
Compiled and Issued by the Arizona Secretary of State

	Apache	Cochise	Cocoonino	Gila	Graham	Greenlee	La Paz	Maricopa	Mohave	Navajo	Pima	Pinal	Santa Cruz	Yavapai	Yuma	TOTAL
<b>REGISTRATION</b>																
Democratic (DEM)	25,982	23,536	27,235	11,847	6,860	2,436	2,701	541,244	28,232	25,315	185,851	53,132	11,457	28,526	26,902	1,001,256
Green (GRN)	29	144	260	24	4	2	11	2,273	106	40	1,200	168	27	252	45	4,585
Libertarian (LBT)	159	323	825	147	48	19	26	15,409	540	410	3,960	960	139	839	339	24,143
Republican (REP)	6,778	28,776	18,059	10,876	7,164	954	3,101	696,469	45,801	18,371	149,734	53,390	3,826	53,243	22,847	1,119,389
Others	10,172	23,795	20,838	6,716	3,223	672	2,676	571,968	39,707	14,337	137,214	55,351	6,503	37,076	23,285	953,503
Total Eligible Registration	43,120	76,574	67,217	29,610	17,299	4,083	8,515	1,827,363	114,386	58,473	477,959	163,001	21,952	119,536	73,388	3,102,876
<b>BALLOTS CAST</b>																
Democratic (DEM)	9,940	8,356	9,325	3,971	2,034	1,131	644	163,566	5,581	7,991	75,672	15,168	3,638	12,217	7,596	326,830
Green (GRN)	51	66	98	23	15	2	12	1,006	114	75	589	109	21	280	111	2,572
Libertarian (LBT)	43	76	91	25	9	6	4	1,829	60	74	716	116	19	135	47	3,250
Republican (REP)	3,423	14,863	9,073	6,830	3,814	479	1,534	364,279	21,351	9,858	91,365	24,490	1,864	36,956	10,689	600,998
Total Ballots Cast	13,457	23,361	18,587	10,849	5,872	1,618	2,294	530,680	27,136	17,998	168,342	39,883	5,542	49,588	18,443	933,650
<b>PERCENT TURNOUT</b>																
Total Voter Turnout Percent	31.21	30.51	27.65	36.64	33.94	39.63	26.94	29.04	23.72	30.78	35.22	24.47	25.25	41.35	25.13	30.09
<b>PRECINCTS</b>																
	45	64	85	39	18	8	12	1,142	73	70	417	88	24	112	42	2,239
<b>U.S. SENATOR</b>																
(DEM) John Dougherty	2,744	1,553	2,036	791	454	172	153	33,465	1,360	2,056	15,985	3,318	518	2,471	1,513	68,589
(DEM) Cathy Eden	2,992	1,705	2,934	962	482	159	192	42,627	1,591	2,239	11,679	3,645	457	3,124	1,699	76,487
(DEM) Rodney Glassman *	1,545	3,000	2,044	1,108	459	370	135	45,483	1,339	1,478	33,271	3,793	1,086	3,855	1,341	100,307
(DEM) William Kollier (Write-In)	12	3	0	1	0	0	0	11	2	4	8	0	1	4	2	48
(DEM) Randy Parraz	1,498	928	1,049	469	286	193	70	22,626	466	1,134	9,717	2,392	1,133	916	1,558	44,435
(LBT) David F. Nolan *	35	59	68	23	7	6	4	1,530	46	59	586	91	17	100	38	2,669
(REP) Jim Deakin	481	2,623	1,047	1,240	408	56	249	36,871	2,619	1,447	13,777	2,961	248	4,148	1,153	69,328
(REP) J.D. Hayworth	1,391	5,012	2,573	1,779	1,312	162	458	117,672	7,277	3,467	25,541	8,648	637	11,261	3,039	190,229
(REP) John McCain *	1,501	7,002	5,332	3,737	2,039	250	904	205,147	11,197	4,798	50,921	12,627	939	21,049	6,301	333,744
(GRN) Jerry Joslyn *	38	39	79	20	10	2	7	811	77	51	490	68	14	181	61	1,948

\* Nominated

EXHIBIT "B"